



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,234	10/29/1999	RAINER WOLFGANG LIENHART	042390.P7333	6961

7590

03/14/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,234

Applicant(s)

LIENHART ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Affidavit (27 December 2002).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant has not filed any arguments with respect to claims 1-19, thus no examiner response is provided.
2. The Declaration filed on 27 December 2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Grandin et al. (US 6,378,132) reference.
3. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Grandin et al. reference to either a constructive reduction to practice or an actual reduction to practice. Furthermore, Exhibit B merely provides evidence how to analyze the characteristics of a microphone, and thus applicant has not shown a reduction to practice. There is no evidence provided by the Applicant in the critical period. MPEP 2138.06 states that "the critical period for diligence for a first conceiver but second reducer begins not at the time of conception of the first conceiver but just prior to the entry in the field of the party who was first to reduce to practice and continues until the first conceiver reduces to practice," and "an applicant must account for the entire period during which diligence is required." Therefore, the Grandin et al (US 6,378,132) reference is still properly cited as a prior art reference.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

Art Unit: 2614

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-6, 9-10, 13-16 and 19 rejected under 35 U.S.C. 102(e) as being anticipated by Grandin et al., US 6,378,132.

In considering claims 1, 6, 10 and 16; 1) *the claimed receiving a video signal* is met by event capture system 110, where video pre-processor 215 receives video signals (120) via cameras 210 (Fig 1, 2) 2) *the claimed receiving a first audio signal containing annotations* is met by event capture system 110, where annotations pre-processor 230 receives viewer annotation input 124, which may be audio or text (col 7, line 51-65); 3) *the claimed receiving a second audio signal...* is met by event capture & distribution system 110 which receives audio signals 120 (Fig 1); 4) *the claimed generating searchable annotations...* is met by event capture system 110 where the annotations pre-processor 230 processes the annotation signal to produce captured annotations 235 which is then matched to the video time segments via segment matcher 240.

In considering claims 5, 9, 13 and 19; *the claimed generating a video abstract via the first and second audio signals, the video signal and the searchable annotations* is

Art Unit: 2614

met by event processing system 140 where content selector 640 (Fig 6) based on the query 712 from a user (Fig 7), selects via query engine 710 the appropriate video.

In considering claim 14, *the claimed wherein the video signal is received from a video recorder...* is met where the video signals 120 received can be from television broadcasts or a physical media such as magnetic tapes (col 1, line 10-17).

In considering claim 15, *the claimed wherein the first and second audio signals are received from at least one microphone...* met where the viewer input annotation input (1st audio signal) is inputted from a microphone (col 7, line 50-57) and where the 2nd audio signal is inherently captured via a microphone (audio capture device) to capture the audio of the event (sporting event) (col 1, line 11-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 7, 11 and 17-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Grandin et al., US 6,378,132.

In considering claims 2, 7, 11 and 17,

Grandin does not specifically disclose removing the annotations from the second audio signal (signal 120).

Grandin does disclose a system which can receive video signals 122, audio signals 120, data & telemetry 126 and observer annotation input 124. Grandin also discloses that the user is able to edit the received signal and annotation data stored via editor 655 and 650 respectively. Grandin also discloses a system where the user describes receiving a video signal for a sporting event, where it is known a sporting event includes audio and video, and also Grandin discloses a system which receives an a annotation (audio) of an outside observer, where the event capture system generating timing signals according to the video and annotation audio.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Grandin which discloses the receiving of audio/video signals along with a annotation audio signal, where the user is able to edit the received signals (AV and annotation audio), by deleting the annotations of the second audio signal, in order to provide the user the ability to search the desired clips via annotations audio or the received video.

In considering claim 3, *the claimed utilizing a least-mean square algorithm*

As discussed above in claim 3, Grandin does not specifically disclose removing annotations from the audio signal 122.

The applicant states in the specification, page 12, line 5-12 that annotations may be removed by a variety of methods or algorithms.

Therefore, it would have been obvious design choice to one of ordinary skill in the art at the time of the invention to utilize an algorithm such as a LMS algorithm in removing annotations from the second audio signal .

4b. Claims 4, 8, 12 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Grandin et al., US 6,378,132 in view of Newman et al., US 6,154,600.

In considering claims 4, 8, 12 and 18, *1) the claimed generating a center text title... 2) the claimed generating a scrolling text banner...*

Grandin discloses a system where received audio/video signals are received along with annotations where the user can alter the received signals (610) and annotations (620) via signal editor 655 and annotations editor 650 respectively. As shown in Fig 8/8A, the annotations storage consists of the timing segments of the respective annotations along with a description and 634 (Fig 6A) and the inclusion of private data 636 (from editor 650). Therefore, the user can search the database, as an example for a type of play (tackle, touchdown) and a spoken description of the play (Fig 8a).

However, Grandin remains silent on generating a center text title and a scrolling text banner in the generated signal.

Newman discloses a system which uses a non-linear home media editor system, which allows the user to develop a audio/video information from either multiple devices, to include recorder, VCR, TV, CD-ROM/DVD, digital camera, storyboards, internet, etc... Newman also discloses a system which lets the user input the type of information, i.e. "OUR SUMMER VACATION", which is displayed in the center of the window 408 (Fig 12). Although, Newman does not disclose a scrolling text banner, the

Art Unit: 2614

use of a scrolling banner is notoriously well-known in the art, thus based on the appearance/design of the user, the center text can be made to scroll.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Grandin, which discloses a system which receives signals (audio/video) and annotations related to an observer (audio) and then segments/inputs private data relating to the signals/annotations, to aid in the retrieval of the information with Newman, in order to provide a catalogue/itemized description of the video/annotations, giving the user the added ability to peruse through video segments.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.

B.P.Y.

08 FEBRUARY 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600